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Attorney for Defendant  
ROGER MANU BATES

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, ) CR. NO. 05-00300 (08)  
                                )  
Plaintiff,                 ) DEFENDANT ROGER MANU  
                                )  
vs.                         ) BATES' SENTENCING  
                               )  
ROGER MANU BATES,         ) STATEMENT; CERTIFICATE OF  
                               )  
Defendant.                 ) SERVICE  
                               )  
                               ) Sentencing date: May 8, 2006  
                               )  
                               )  
                               )  
                               )  
                               )  
                               )

DEFENDANT ROGER MANU BATES' ENTENCING STATEMENT

COMES NOW the defendant, ROGER MANU BATES, through counsel,

Michael J. Park, and hereby respectfully submits this Sentencing Statement pursuant to the Order of this Court regarding sentencing Guidelines, the Notice of Attorneys dated December 1, 2005, and Rule 32 of the Federal Rules of Criminal Procedure.

## I. FACTUAL BACKGROUND

Defendant and his undersigned counsel have reviewed the factual information contained in the Proposed Presentence Report prepared March 24, 2006, and have no objections thereto with the addition of the following:

### PART A. THE OFFENSE

Paragraph 18: ... MPD Officers Conducted a search of the rental vehicle operated by Bates... Bates cooperated with MPD which lead to the recovery of approximately one and one-half pounds of ice. Bates drove to the scene in a rented vehicle. Bates informed MPD of the rental vehicle that he came in which contained the drugs and money as MPD did not know which vehicle in the public park Bates arrived in. Prior to MPDs arrival, they knew that Bates had some drugs but did not know what vehicle he arrived in. Bates gave consent to search the vehicle and described the property (two backpacks and a thermos) which lead to the recovery of the pound and a half of methamphetamine.

Paragraph 19: Bates consented to an interview with the MPD on 5/13/05 and Bates was able to link John Corniel to the primary subject of the investigation. Bates was released from police custody and in addition to the actual United Parcel Service (UPS) shipping label from a prior drug package, Bates obtained three other cell phone numbers utilized by John Corneil and Russell.

Paragraph 23: Reed is a former police officer who was sentenced to 48 months for carrying two pounds of crystal methamphetamine for a drug ring linking Las Vegas and Maui. In November 2005, Reed pleaded guilty to conspiring to possess with intent to distribute seven pounds of crystal methamphetamine. MPD was able to obtain information regarding this former police officer's connection with the drug smuggling, in part, due to Defendant's cooperation and information in May 2005. (see Star-Bulletin article)

## PART B. DEFENDANT'S CRIMINAL HISTORY

Paragraph 85. Counts 2, 3 and 4 relating to Felon in Possession of a Firearm and Possession of a Prohibited Firearm were dismissed with prejudice and Defendant requests this not be noted in the presentence investigation report as it is

not relevant when computing Defendant's criminal history computation.

**PART E. FACTORS THAT MAY WARRANT A SENTENCE OUTSIDE THE ADVISORY GUIDELINE RANGE**

Paragraph 126. Substantial Assistance to Authorities:

Mr. Bates requests the Court to consider his assistance to authorities in the investigation of criminal activity as a mitigating factor in deciding what sentence within the range to impose. Application Note 3 to Section 5K1.1

**II. SENTENCING CLASSIFICATION / GUIDELINE / RESTITUTION RANGES**

Defendant respectfully reserves the right to move for adjustment and departure, if appropriate and not otherwise waived, and to submit additional character evidence no later than fifteen days prior to the scheduled sentencing.

DATED: Honolulu, Hawaii, April 7, 2006.

Respectfully submitted,

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/s/MICHAEL J. PARK  
Attorney for Defendant  
ROGER MANU BATES

crystal methamphetamine.

Aken was arrested in May 2005 during a stopover at Los Angeles International Airport. He was on his way back to Maui from Las Vegas, carrying two pounds of "ice" that he had purchased for \$9,500 per pound.

Aken admitted to narcotics agents that he had flown to Las Vegas with about \$66,000 at the request of Maui resident Nathaniel "Bobo" Russell to pick up "ice."

The plan allegedly was to acquire up to seven pounds of methamphetamine for about \$66,000 cash, body-carry two pounds and send the remaining five pounds through the U.S. Postal Service, said Assistant U.S. Attorney Michael Kawahara.

Aken, who cooperated and assisted in the investigation, had been facing a mandatory 10-year term.

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*Star-Bulletin staff*

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## **Former police officer gets 2 years for 'ice'**

A former Maui police officer was sentenced to 48 months in federal prison for carrying two pounds of crystal methamphetamine for a drug ring linking Las Vegas and the Valley Isle.

Reed K. Aken Sr., 37, pleaded guilty in November to conspiring to possess with intent to distribute seven pounds of

**CERTIFICATE OF SERVICE**

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

- **Rustum Barbee**  
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DATED: Honolulu, Hawaii, March 28, 2006.

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/s/ MICHAEL J. PARK